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UNITED STATES ENVIRONMENTAL PROTECTION AGENCY  
REGION III  
841 Chestnut Building  
Philadelphia, Pennsylvania 19107-4431

CERTIFIED MAIL  
RETURN RECEIPT REQUESTED

JUN 23 1994

Hal Bretan  
Senior Attorney  
AT&T  
Room B2138  
131 Morristown Road  
Basking Ridge, NJ 07920-1650

Re: Revere Chemical Superfund Site

Dear Mr. Bretan:

This letter is in response to the April 11, 1994, letter of the Revere Steering Committee ("RSC"), comprised of AT&T Global Information Solutions (formerly NCR), American Telephone and Telegraph Company, Carpenter Technology Corporation, GTE Operations Support, Incorporated, International Business Machines, Corporation, Square D Company, Unisys Corporation and General Electric Company, and matters discussed at the subsequent meeting held between the parties and the United States Environmental Protection Agency ("EPA") regarding the Revere Chemical Site (hereinafter "Revere") located in Nockamixon Township, Bucks County, Pennsylvania. EPA assumes you will distribute this response to the other RSC members.

EPA's special notice letter invited the PRPs to conduct and/or finance the remedial action by submitting a good faith proposal including a statement of the RSC's willingness and financial ability to implement the ROD and proposed Consent Decree and to reimburse costs incurred by EPA and to be incurred by EPA in connection with the Site. For reasons described below, the RSC's letter of April 11, 1994, does not constitute a good faith proposal in that the RSC declined to make an offer to perform the remedy in its entirety as described in the ROD. Accordingly, the moratorium on certain EPA response activities at the Site required by Section 122(e) of CERCLA, 42 U.S.C. § 9622(e), has been terminated.

The RSC expressed its willingness to ~~negotiate~~ the remedy authorized by the December 27, 1993 Record of Decision ("ROD") and requested that EPA issue a Unilateral Administrative Order ("UAO") only for RD, followed by the issuance of a UAO for RA in six months to one year. It is not, however, the Agency's policy to negotiate UAOs, nor are we inclined at this point to implement a piecemeal process for this site.

The RSC stated it could not commit to performance of the RA

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prior to receipt and review of the ground water and stream sediment sampling analyses. The RSC also stated that performance of the RA was contingent upon EPA sending additional special notice letters to the remaining parties that had been investigated by EPA. EPA has already made a determination, after an investigation, that it does not have sufficient evidence to send these parties special notice.

The RSC stated that it is unable to respond fully to EPA's special notice letter since the Agency failed to disclose all available information on the potentially responsible parties ("PRPs") and witnesses EPA investigated and that the withholding of this information has hampered each Respondent's assessment of its liability. EPA released all relevant information regarding the witness interviews for the Revere Site and does not intend to release those interviews in their unredacted form; this ensures the safety of the witnesses and maintains confidentiality.

The RSC refused to discuss past costs until EPA provided the underlying documentation to support these costs.<sup>1</sup> The RSC also felt that past costs should be paid by the remaining parties investigated by EPA and not by the RSC. Consequently, EPA has decided to fund its own design of the ROD remedy. Once this design is complete EPA may offer an opportunity to enter a consent decree to do the work; however, this will not be another moratorium.

Finally, there is one additional item of which you should be made aware. While formulating the terms of this letter, the United States learned of allegations of misconduct by a contractor employed by EPA relating to response actions taken by EPA at a different Superfund Site. The allegations of wrongdoing against the contractor are in the initial stages of review by the United States and involve costs charged by the contractor to EPA for Superfund work at that site only.

This contractor has conducted Superfund work at the Revere Chemical Site. While we have no evidence at this time that the costs associated with the Revere Chemical Site are affected by the recent allegations in the other case, we wish to ensure full disclosure and fairness in these proceedings. However, given the sensitive nature of the matters disclosed in this letter and the facts giving rise to these allegations, in order to assure that the integrity of the inquiry being conducted by the government law enforcement authorities is preserved, and the interests and

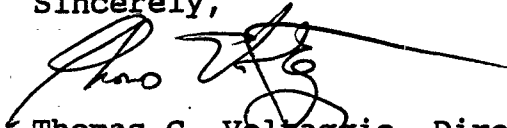
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<sup>1</sup> Under the terms of the Consent Decree for performance of the RI/FS, the RSC could have requested the underlying documentation for the annual oversight bills within fourteen (14) days of receipt. The oversight bill for the Revere Site was sent out on or about January 19, 1994 and received shortly thereafter. The first indication that the RSC wanted the underlying documentation for this bill was on or about April 11, 1994.

rights of those who are or may be subject to scrutiny are likewise preserved, it is critical that this information be kept confidential.

Although EPA has determined that the RSC did not submit a good faith proposal and has decided to fund its own design, there is a short period of time during which you can still enter an agreement with us to perform the ROD remedy before we expend funds for the design. If you would like to meet to discuss this matter, please contact Pamela Lazos, Assistant Regional Counsel at (215) 597-8504 if you wish to schedule a meeting.

Sincerely,



Thomas C. Voltaggio, Director  
Hazardous Waste Management Division

cc: W. Hutchins, DOJ  
P. Lazos (3RC22)  
R. O'Connor (3HW21)  
M. Miller, PADER  
R. Orwan, PADER  
D. Becker, PADER  
J. Seibel, de maximus, inc.  
F. Thomas

AR000087

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F. Thomas

CONCURRENCES							
SYMBOL	3HW21	3RC22	3RC20	3HW21	3HW20	3HW02	
SURNAME	O'Connor	Lazos	Wise	Feeney	Schaul	Ferdas	
DATE	6/23/44	6/23	6/23	6/23	6/23	6/23	



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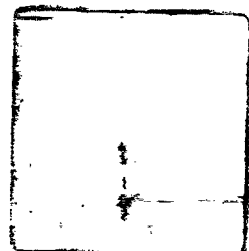
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PS Form 3800, March 1993



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Hal Brotan  
Senior Attorney  
AT&T - Room B 2138  
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Easton, NJ 07920-1C30

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*Hal Brotan*

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*Hal Brotan*

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